

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	CR. NO. 1:CR-01-018
)	
v.)	
)	(Judge Rambo)
GEOVANI DAVILA,)	
)	
Defendant.)	(ELECTRONICALLY FILED)

RESPONSE TO THE COURT'S ORDER OF FEBRUARY 28, 2006

NOW COMES the United States of America, by and through its counsel, Thomas A. Marino, United States Attorney for the Middle District of Pennsylvania, and Gordon A.D. Zubrod, Assistant United States Attorney, and respectfully represent to this Court the following facts:

1. On December 5, 2005, the District Court issued an Order denying Petitioner's motion filed pursuant to 28 U.S.C. § 2255. Petitioner did not receive this Order until January 30, 2006.

2. On February 9, 2006, Petitioner filed a Notice of Appeal of the December 5, 2005 Order.

3. On February 27, 2006, Petitioner filed a Motion for Extension of Time to file a notice of appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure. Petitioner represented that, being in transit, he did not receive notice of the District Court's Order until January 30, 2006. Thus, the government believes that Petitioner has shown good cause for not filing the notice of appeal

within the 60 day period and recommends that the Court accept the filing of the notice of appeal on February 9, 2006 as timely.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

/s/ Gordon A.D. Zubrod
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Dated: March 3, 2006

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 3rd day of March, 2006, she served a copy of the attached

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via electronic filing and/or by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Geovani Davila #54826-066
FCI Gilmer
P.O. Box 600
Glenville, WV 26351

/s/ Carol A. Manies
CAROL A. MANIES
Legal Assistant